

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT,
IN AND FOR UTAH COUNTY, STATE OF UTAH.

PROVO RESERVOIR COMPANY,
a corporation, Plaintiff.

VS

Order to show Cause.

PROVO CITY, et al.,
Defendants.

Caleb Tanner, having filed herein a verified petition requesting and petitioning the above entitled Court to make an order directing E.F. Wentz as River Commissioner for Grovo River to divert from Grovo River into the main canal of Grovo Reservoir Company's Grovo River Irrigation System, 20 1-3 acres of primary water owned by said petitioner, and to divert said waters from said main canal into the farm lateral for the use and benefit of petitioner's lessees therein for the balance of the irrigation season of 1926, or in the alternative to divert from said Grovo River into said main canal and thence into said farm lateral .2 of 1 cu. ft. per sec. of water owned by plaintiff for the use of petitioner's said lessees, or in the alternative, if the said E.F. Wentz as such Commissioner shall fail therein, then and in that event that such Commissioner be and appear before the Court and show cause why he has failed to comply with such order;

And it appearing to the Court that Grovo Reservoir Company, a corporation and Grovo Reservoir Water Users Company a corporation, have assumed to direct the disposition and distribution of the said 20 1-3 acres of primary water right owned by said petitioner, and that such parties should have notice of such petition;

Now therefore, it appearing to the Court that said Caleb Tanner is entitled to the relief sought in the said petition;

It is now therefor by the Court Ordered;

That the said W.F. Wentz, Commissioner, divert from Provo River into the main canal of Provo Reservoir Company's Provo River Irrigation System of the waters of the said Caleb Tanner the said 20 1-3 acres of primary water, being an equivalent of approximately .2 of one second foot; and it is further ordered that said W.F. Wentz, Commissioner, further divert the said 20 1-3 acres of primary water so turned into said canal from said canal and into the long lateral near the center of section 12, Twp 6 South of Range 2 East, S.W.M., for the use and benefit of the following named persons in the amounts set out to wit; H.B. Cutler 3 acres; J.D. Gateaby, 5 acres; William Burr 6 acres; R.D. Wells 6 1-3 acres; and it is further ordered that said diversion continue for the balance of the irrigation season of 1926; such diversion shall subject the said Caleb Tanner to any legal and proper charges incurred in the carrying of said waters through the said canal to the said long lateral; such diversion shall be made by said Commissioner on his receipt of a check hereof:

If the said W.F. Wentz shall fail to make such diversion it is ordered that he be and appear before the above entitled Court at the Court room thereof in Provo City, Utah County, Utah at the hour of 10 o'clock A.M. on the 17th day of June, 1926, and then and there show cause if any he may have why he has not and should not do so.

It is ordered that the time of service of such order be shortened and that a copy of said order and of the petition of said Caleb Tanner be served upon said W.F. Wentz as such Commissioner three days prior to said 17th day of June, 1926, and it is further ordered that Provo Reservoir Company, a corporation and Provo Reservoir Water Users Company, a corporation, and interested parties, it is ordered that a copy of said decision of said Caleb Tanner and of this order be served upon each of them three days prior to the said 17th day of June, 1926.

Dated Provo, Utah, June 17, 1926

By the Court,
George P. Parkman

JUDGE

Provo, Utah, June 17th, 1916

Service of copy of the attached order and of copy of petition filed therewith is hereby admitted.

G. J. Weitz

Provo Reservoir Company,
a corporation,

BY *Joseph P. Murdoch, Pres.*

Provo Reservoir Water Users
Company, a corporation,

BY *Joseph P. Murdoch, Pres.*

It is stipulated between Caleb Tanner, Provo Reservoir Company and Provo Reservoir Water Users Company that the foregoing order as entered by the Court shall be deemed by all parties to be without prejudice to the rights of any ~~one~~ of said parties.

In view of this stipulation, the Provo Reservoir Company and Provo Reservoir Water Users Company will not contest ~~the same~~ ^{the said order.}

M. R. Straw

Attorney for Caleb Tanner
PROVO RESERVOIR COMPANY

By *Joseph P. Murdoch*
President.

PROVO RESERVOIR WATER USERS CO.

BY *Joseph P. Murdoch*
President.